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EXAMINER

VETTER, DANIEL

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/759,331	<b>Applicant(s)</b> SMITH ET AL.	
	<b>Examiner</b> Daniel P. Vetter	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/15/2004</u> | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

Claims 1-20 are pending in this application.

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 7 recites the limitation "in response to a group trip leader establishing a homepage for a group trip" in lines 3-4. It is unclear if the establishment of the homepage itself is a requirement of the claim, and additionally it is unclear if all or just some of the subsequent steps occur in response to the establishment. This makes the claim vague and does not properly apprise the public of what would constitute infringement.
4. Claims 8-15 contain the same deficiencies as claim 7 through dependency and, as such, are rejected for the same reasons.
5. Claim 16 recites that the server is "responsive" in lines 3 and 6. It is unclear what the server's responses are, which of the limitations are the prerequisites for a

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response, and whether or not these are requirements to meet the limitations of the claim. This makes the claim vague and does not properly apprise the public of what would constitute infringement.

6. Claims 17-20 contain the same deficiencies as claim 16 through dependency and, as such, are rejected for the same reasons.

*Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3-5, 7, 9, 10, 12-16, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eizenburg, et al., U.S. Pat. Pub. No. 2002/0026336 (Reference A of the attached PTO-892) in view of Tso, U.S. Pat. Pub. No. 2001/0049637 (Reference B of the attached PTO-892).

9. As per claim 1, Eizenburg, et al. teaches a method to organize a trip, comprising: at a travel service site, establishing a homepage for the trip (Abstract); and making at least travel arrangements related to the trip by using tools provided to the potential trip participants at the trip homepage (§ 0016). Eizenburg, et al. does not teach sending an

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electronic notification to potential trip participants from the travel service site for informing them of the existence of the trip homepage. Tso teaches sending an electronic notification to potential trip participants from the travel service site for informing them of the existence of the trip homepage (§§ 0023, 0093). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate sending an electronic notification to potential trip participants from the travel service site for informing them of the existence of the trip homepage into the method taught by Eizenburg, et al. in order to eliminate the need to manually coordinate invitations (as taught by Tso; ¶ 0003).

10. As per claim 3, Eizenburg, et al. in view of Tso teaches the method of claim 1 as described above. Tso further teaches emailing includes sending a link to the homepage (¶ 0084). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate emailing includes sending a link to the homepage into the method taught by Eizenburg, et al. in view of Tso in order to contact the server to bring up the desired page (as taught by Tso; ¶ 0084).

11. As per claim 4, Eizenburg, et al. in view of Tso teaches the method of claim 1 as described above. Eizenburg, et al. further teaches travel arrangements comprise arranging payment for the trip (¶ 0027).

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12. As per claim 5, Eizenburg, et al. in view of Tso teaches the method of claim 1 as described above. Eizenburg, et al. further teaches travel arrangements comprise arranging accommodations during the trip (§ 0027).

13. As per claim 7, Eizenburg, et al. teaches a method to provide a group travel service over the Internet, comprising: at a travel service site, in response to a group trip leader establishing a homepage for a group trip (Abstract) and making travel arrangements related to the group trip by using tools provided to the potential trip participants at the group trip homepage (§ 0016). Eizenburg, et al. does not teach the group trip leader identifying at least email addresses of potential group trip participants, and automatically contacting the potential group trip participants from the travel service site for providing them with a link to the group trip homepage. Tso teaches the group trip leader identifying at least email addresses of potential group trip participants (§§ 0007, 0023), and automatically contacting the potential group trip participants from the travel service site for providing them with a link to the group trip homepage (§ 0023). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the group trip leader identifying at least email addresses of potential group trip participants, and automatically contacting the potential group trip participants from the travel service site for providing them with a link to the group trip

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homepage into the method taught by Eizenburg, et al. in order to eliminate the need to manually coordinate invitations (as taught by Tso; ¶ 0003).

14. As per claim 9, Eizenburg, et al. in view of Tso teaches the method of claim 7 as described above. Eizenburg, et al. further teaches travel arrangements comprise arranging payment for the trip (¶ 0027).

15. As per claim 10, Eizenburg, et al. in view of Tso teaches the method of claim 7 as described above. Eizenburg, et al. further teaches travel arrangements comprise arranging accommodations during the trip (¶ 0027).

16. As per claim 12, Eizenburg, et al. in view of Tso teaches the method of claim 7 as described above. Eizenburg, et al. further teaches enabling a member of the public to learn of the existence of the group trip, and join the group trip as a group trip participant (¶ 0064).

17. As per claim 13, Eizenburg, et al. in view of Tso teaches the method of claim 7 as described above. Tso further teaches establishing a travel log album for the trip at the travel service site, and giving group trip participants access to the travel log album (¶ 0067). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate establishing a travel log album for the trip at the travel service site, and giving group trip participants access to the travel log album into the method taught by Eizenburg, et al. in view of Tso to set up a previous event

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information page where users share photographs and present them along with other information on the event (as taught by Tso; ¶ 0066).

18. As per claim 14, Eizenburg, et al. in view of Tso teaches the method of claim 7 as described above. Tso further teaches establishing a travel log album for the trip at the travel service site (¶ 0067), and giving both group trip participants and members of the public access to the travel log album (¶ 0068). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate establishing a travel log album for the trip at the travel service site, and giving both group trip participants and members of the public access to the travel log album into the method taught by Eizenburg, et al. in view of Tso to set up a previous event information page where users can view photographs along with other information on the event (as taught by Tso; ¶ 0066).

19. As per claim 15, Eizenburg, et al. in view of Tso teaches the method of claim 14 as described above. Tso further teaches at least group trip participants are enabled to upload photographs to the travel log album (¶ 0071), and where group trip participants and members of the public are enabled to download photographs from the travel log album (¶ 0071). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate at least group trip participants are enabled to upload photographs to the travel log album, and where group trip participants and



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members of the public are enabled to download photographs from the travel log album so that users can acquire high resolution copies of event images (as taught by Tso; ¶ 0072).

20. As per claim 16, Eizenburg, et al. teaches a system operable to provide a group travel service over the Internet, comprising a server executing software for implementing the group travel service (¶ 0009), said server being bidirectionally coupled to the Internet (¶¶ 0009, 0022); said server being further responsive to potential group trip participants accessing the group trip homepage for making travel arrangements related to the group trip by using tools provided to the potential trip participants at the group trip homepage (Abstract), said travel arrangements comprising at least one of arranging payment for the trip and arranging accommodations during the trip (¶ 0027). Eizenburg, et al. does not teach the server is responsive to a group trip leader identifying contact information for potential group trip participants for automatically contacting the potential group trip participants for providing them with a link to a group trip homepage. Tso teaches the server is responsive to a group trip leader identifying contact information for potential group trip participants for automatically contacting the potential group trip participants for providing them with a link to a group trip homepage (¶¶ 0007, 0023). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the server is responsive to a group trip

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leader identifying contact information for potential group trip participants for automatically contacting the potential group trip participants for providing them with a link to a group trip homepage into the system taught by Eizenburg, et al. in order to eliminate the need to manually coordinate invitations (as taught by Tso; ¶ 0003).

21. As per claim 19, Eizenburg, et al. in view of Tso teaches the system of claim 16 as described above. Eizenburg, et al. further teaches establishing a travel service homepage for enabling a member of the public to learn of the existence of the group trip, and to join the group trip as a group trip participant using at least the group trip homepage (¶ 0064).

22. As per claim 20, Eizenburg, et al. in view of Tso teaches the system of claim 16 as described above. Tso further teaches establishing a travel log album for the trip at the travel service site (¶ 0067), and providing both group trip participants and members of the public access to the travel log album (¶ 0068), here at least group trip participants are enabled to upload photographs to the travel log album (¶ 0071), and where group trip participants and members of the public are enabled to download photographs from the travel log album (¶ 0071). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate establishing a travel log album for the trip at the travel service site, and providing both group trip participants and members of the public access to the travel log album, here at least group trip

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participants are enabled to upload photographs to the travel log album, and where group trip participants and members of the public are enabled to download photographs from the travel log album into the system taught by Eizenburg, et al. in view of Tso to set up a previous event information page where users can view photographs along with other information on the event (as taught by Tso; ¶ 0066) and so that users can acquire high resolution copies of event images (as taught by Tso; ¶ 0072).

23. Claims 2, 8, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eizenburg, et al. in view of Tso as applied to claims 1, 7, and 16 above, in further view of Stanfield, U.S. Pat. Pub. No. 2002/0069093 (Reference C of the attached PTO-892).

24. As per claims 2, 8, and 18, Eizenburg, et al. in view of Tso teaches the methods of claims 1 and 7 and the system of claim 16 as described above. Eizenburg, et al. in view of Tso does not teach one of said tools enables trip participants to vote on matters related to the trip. Stanfield teaches one of said tools enables trip participants to vote on matters related to the trip (¶ 0022). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate one of said tools enables trip participants to vote on matters related to the trip in order to conduct polling for pre-travel business (as taught by Stanfield; ¶ 0022).

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25. Claims 6, 11, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eizenburg, et al. in view of Tso as applied to claims 1, 7, and 16 above, in further view of Official Notice.

26. As per claims 2, 8, and 18, Eizenburg, et al. in view of Tso teaches the methods of claims 1 and 7 and the system of claim 16 as described above. Eizenburg, et al. in view of Tso does not explicitly teach the travel arrangements further comprise determining which trip participants will share lodging accommodations during the trip. Official Notice is taken that it would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the travel arrangements further comprise determining which trip participants will share lodging accommodations during the trip because it is old and well-known in the art of trip planning that some members of a group will desire share accommodations and therefore to arrange accordingly.

### *Conclusion*

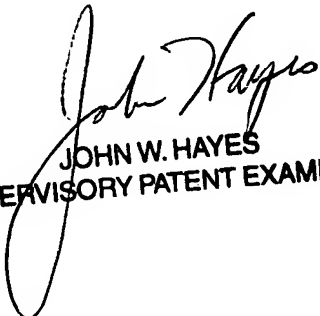
27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goldstein, U.S. Pat. Pub. No. 2002/0022981 (Reference D of the attached PTO-892) teaches a method of coordinating travel arrangements for a plurality of travelers including a computer system operable to receive travel information from one or more users and facilitating the most cost effective meeting at a common destination.

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28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Vetter whose telephone number is (571) 270-1366. The examiner can normally be reached on Monday through Thursday from 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER